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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/955,955	09/20/2001	Hirofumi Yamagiwa	Q66339	9978
909	7590	04/19/2005	EXAMINER	
PILLSBURY WINTHROP SHAW PITTMAN, LLP			LEE, ANDREW CHUNG CHEUNG	
P.O. BOX 10500			ART UNIT	PAPER NUMBER
MCLEAN, VA 22102			2664	

DATE MAILED: 04/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/955,955

Applicant(s)

YAMAGIWA, HIROFUMI

Examiner

Andrew C Lee

Art Unit

2664

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 20 September 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2/22/2005.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1 – 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Ishii et al. (U.S. Patent No. 6643524 B1).

Regarding claims 1, 6, Ishii et al. discloses the limitation of a base station modulator/demodulator for constituting a mobile communication system (Fig. 4, column 6, lines 51 – 53) and sending ATM cells to a higher rank station and receiving ATM cells from the higher rank station (column 11, lines 1 – 2; lines 5 - 6; column 14, lines 4 – 8), said base station modulator/demodulator comprising: receive means for terminating, among ATM cells received from the higher rank station through a leased line (column 13, lines 54 – 60), ATM cells addressed to the base station (column 13, lines 44 – 49); first send means for sending, among the ATM cells received from the higher rank station through the leased line, ATM cells addressed to another base station to the another base station (column 13, lines 54 – 66; column 14, lines 1 – 3); and second send means for multiplexing ATM cells of a plurality of base stations, said base station

and said another base station, and sending the multiplexed cells to the higher rank station through the leased line (column 14, lines 33 – 60).

Regarding claim 2, Ishii et al. discloses the limitation of the base station modulator/demodulator according to claim 1, wherein the receive means identifies, from ATM cells received from the higher rank station through the leased line (column 8, lines 1 – 3; column 14, lines 4 – 8), ATM cells addressed to said base station based on a virtual path identifier in an ATM header preset in the base station (column 13, lines 64 – 66; column 14, lines 1 – 8), and terminates the identified ATM cells, and the first send means identifies, from ATM cells received from the higher rank station through the leased line (column 14, lines 14 – 18), ATM cells addressed to said another base station based on a virtual path identifier in an ATM header preset in the another base station, and sends the identified ATM cells to the another base station (column 14, lines 33 – 60).

Regarding claims 3, 7, Ishii et al. discloses the limitation of the base station modulator/demodulator according to claimed which further comprises: discard means for discarding, among the ATM cells received by the receive means from the higher rank station through the leased line (column 5, lines 36 – 45; column 14, lines 33 – 41), ATM cells having a virtual path identifier different from the set value (column 14, lines 33 – 41); and insertion means for inserting an idol cell instead of the ATM cell discarded by the discard means (column 10, lines 43 – 51).

Regarding claims 4, 8, Ishii et al. discloses the limitation of the base station modulator/demodulator according to claimed wherein the second send means performs band control in such a manner that, in multiplexing ATM cells of the plurality of base stations, the base station and the another base station, and sending the multiplexed cells through the leased line to the higher rank station (column 14, lines 33 – 60), the number of times of send of the ATM cell of the base station and the ATM cell of the another base station is varied based on the band set value predetermined for the leased line (column 14, lines 60 – 66; column 15, lines 1 – 12).

Regarding claims 5, 9, 10, Ishii et al. discloses the limitation of the base station modulator/demodulator according to claimed wherein the base station has the same processing function as the another base station (column 7, lines 64 – 67).

### ***Conclusion***

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew C Lee whose telephone number is (571) 272-3131. The examiner can normally be reached on Monday through Friday from 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on (571) 272-3134. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

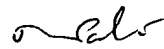
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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

~~Ajit Patel~~  
~~Primary Examiner~~

ACL

April 15, 2005

  
Ajit Patel  
Primary Examiner